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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,423	08/08/2001	Shigeru Fujita	35.C15688	9935
5514 7590 08/19/2005 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LE, VIET Q	
			ART UNIT 2667	PAPER NUMBER
DATE MAILED: 08/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/923,423	FUJITA, SHIGERU	
	Examiner	Art Unit	
	Viet Q. Le	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 32-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed on 08/03/2005. Claims 32-42 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 32, 35, 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (U.S. 5,347,545) in view of Van Bokhorst et al. (U.S. 6,192,230) hereinafter referred to as Van Bokhorst.

Regarding claim 32 & 38, Ishii disclosed a communication apparatus for executing a communication with a device (See column 2, lines 1-6. Multiple terminals are communicating within the network), comprising:

A negotiation unit configured to, (See column 2, lines 58-66. Negotiation between terminals to make sure they are ready to receive messages. This takes place before data are actually transmitted between terminals) in the case that the device receives a

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low power consumption mode transit request (transmission disabling code request) to transit from a present mode to a low power consumption mode and prohibit any transmission until the low power consumption mode is released (See column 2, lines 12-17. "Disable code request" is sent to disable all other terminals not intended for communication between terminals), execute a pre-determined negotiation with the device in order to prevent transiting a present mode to a low power consumption mode and prohibiting any transmission even though the device receives the low power consumption mode transit request; and (See column 2, lines 58-66 & lines 7-17. Negotiation between terminals takes place between terminals before actual data are transmitted. "Disable code" is sent to all terminals. Only other terminals not originally in negotiation are disabled. Terminal in negotiation originally is still enabled and receiving data from the source);

A first transmitting unit configured to broadcast (See column 2, lines 44-52) the low power consumption mode transit request (transmission disable code) after said negotiation unit executes the predetermined negotiation with the device (See column 2, lines 58-66),

Ishii, however, fails to explicitly say that the transmission disabling code request can be a low power consumption mode transit request.

Van Bokhorst disclosed that wireless terminals that are not in communication would be in the low power consumption state or in a "Doze" state (See column 1, lines 53-67 & column 2, lines 1-6).

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It would have been obvious to one of ordinary skill in the art to combine Hendrik with Ishii for the purpose of implementing a low power consumption state in Ishii. The motivation brings longer battery life.

Regarding claim 35 & 39, Ishii disclosed a communication apparatus for executing a communication with a device, comprising:

A negotiation unit configured to, (See column 2, lines 58-66. Negotiation between terminals to make sure they are ready to receive messages. This takes place before data are actually transmitted between terminals) in the case that the device receives a low power consumption mode transit request (transmission disabling code request) to transit from a present mode to a low power consumption mode and prohibit any transmission until the low power consumption mode is released (See column 2, lines 12-17. "Disable code request" is sent to disable all other terminals not intended for communication between terminals), execute a pre-determined negotiation with the device in order to prevent transiting a present mode to a low power consumption mode and prohibiting any transmission even though the device receives the low power consumption mode transit request (See column 2, lines 58-66 & lines 7-17. Negotiation between terminals takes place between terminals before actual data are transmitted. "Disable code" is sent to all terminals. Only other terminals not originally in negotiation are disabled. Terminal in negotiation originally is still enabled and receiving data from the source);

A transmitting unit to transmit (See column 2, lines 44-52) the low power consumption mode transit request (transmission disable code) after said negotiation unit

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executes the predetermined negotiation with the device (See column 2, lines 58-66);
and

A communicating unit configured to communicate with the device (See column 2, lines 44-52), after said transmitting unit transmits the low power consumption mode transit request (transmission disable code. See column 2, lines 14-17), a mode of another device (other terminals or devices attached to the network) is transited from a present mode to the low power consumption mode (See column 2, lines 14-17. "Disabled mode" is used to disable other terminals not in negotiation or in communication) and any transmission is prohibited.

Ishii, however, fails to explicitly say that the transmission disabling code request can be a low power consumption mode transit request.

Van Bokhorst disclosed that wireless terminals that are not in communication would be in the low power consumption state or in a "Doze" state (See column 1, lines 53-67 & column 2, lines 1-6).

It would have been obvious to one of ordinary skill in the art to combine Hendrik with Ishii for the purpose of implementing a low power consumption state in Ishii. The motivation brings longer battery life.

Regarding claim 36 & 40, Ishii disclosed a communication apparatus for executing a communication with a device, comprising:

A negotiation unit configured to execute a predetermined negotiation with the device before data transmission (See column 2, lines 58-66. Negotiation between

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terminals to make sure they are ready to receive messages. This takes place before data are actually transmitted between terminals),

A receiving unit configured to receive a low power consumption mode (transmit disable code) transit request to transit from a present mode to a low power consumption mode and prohibit any transmission (See column 2, lines 44-52; column 2, lines 12-17. "Disable code request" is sent to disable all other terminals not intended for communication between terminals),

A control unit, in the case that said receiving unit receives a low power consumption mode transit request to transit from a present mode to a low power consumption mode (See column 2, lines 12-17. "Disable code request" is sent to disable all other terminals not intended for communication between terminals), configured to transmit said communication apparatus from a present mode to a low consumption power mode (See column 2, lines 1-17) and control said communication apparatus to prohibit any transmission according to presence or absence of execution of the predetermined negotiation with the device by said negotiation unit (See column 2, lines 1-17).

Ishii, however, fails to explicitly say that the transmission disabling code request can be a low power consumption mode transit request.

Van Bokhorst disclosed that wireless terminals that are not in communication would be in the low power consumption state or in a "Doze" state (See column 1, lines 53-67 & column 2, lines 1-6).

It would have been obvious to one of ordinary skill in the art to combine Hendrik with Ishii for the purpose of implementing a low power consumption state in Ishii. The motivation brings longer battery life.

Regarding claim 37, Ishii disclosed a communication apparatus according to claim 36, wherein, in the case that said receiving unit (See column 2, lines 44-52) receives a signal to release a low power consumption mode (transmission disabling code), said control unit executes a control to release both a low power consumption mode and a transmission prohibition (See column 2, lines 1-17).

Ishii, however, fails to explicitly say that the transmission disabling code request can be a low power consumption mode transit request.

Van Bokhorst disclosed that wireless terminals that are not in communication would be in the low power consumption state or in a "Doze" state (See column 1, lines 53-67 & column 2, lines 1-6).

It would have been obvious to one of ordinary skill in the art to combine Hendrik with Ishii for the purpose of implementing a low power consumption state in Ishii. The motivation brings longer battery life.

Regarding claims 41 and 42, Ishii disclosed a communication apparatus, comprising:

A second transmitting unit configured to transmit a signal to release (column 2, lines 15-18. Enabling code is sent once data transmission is complete) both the low power consumption mode and a transmission prohibition after said communication apparatus communicates with the device.

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3. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (U.S. 5,347,545) in view of Van Bokhorst (U.S. 6,192,230) and in further view of Novakov (U.S. 6,571,103).

Regarding claims 33 & 34, Ishii disclosed multi-terminal communication system for smoothly and correctly communicating data between pluralities of terminal equipment as described above in claim 32.

Van Bokhorst disclosed nodes or terminals in a power saving mode that are not in communication as described above (See column 1, lines 53-67 & column 2, lines 1-6).

Ishii and Van Bokhorst, however, fails disclose the communication is executed by using a Bluetooth system.

Novakov disclosed a Bluetooth system that offers a low power radio communication link for transmission of both voice and data (See column 1, lines 14-21).

It would have been obvious to one of ordinary skill in the art to combine Van Bokhorst with Ishii for the purpose of implementing a low power consumption state in Ishii. The motivation brings longer battery life.

Ishii disclosed a communication apparatus for executing a communication with a device, comprising:

A negotiation unit configured to, (See column 2, lines 58-66. Negotiation between terminals to make sure they are ready to receive messages. This takes place before data are actually transmitted between terminals) in the case that the device receives a low power consumption mode transit request (transmission disabling code request) to

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transit from a present mode to a low power consumption mode and prohibit any transmission until the low power consumption mode is released (See column 2, lines 12-17. "Disable code request" is sent to disable all other terminals not intended for communication between terminals), execute a pre-determined negotiation with the device in order to prevent transiting a present mode to a low power consumption mode and prohibiting any transmission even though the device receives the low power consumption mode transit request (See column 2, lines 58-66 & lines 7-17. Negotiation between terminals takes place between terminals before actual data are transmitted. "Disable code" is sent to all terminals. Only other terminals not originally in negotiation are disabled. Terminal in negotiation originally is still enabled and receiving data from the source).

Response to Arguments

4. Applicant's arguments filed on 08/03/2005 have been considered but they are not persuasive.

Applicant argues on pages 9 and 10 that Ishi and Van Bokhorst failed to disclose that in the case that the device receives a low power consumption mode transit request to transit from a present mode to a low power consumption mode and prohibit any transmission until the low power consumption mode is released, executing a predetermined negotiation with the device in order to prevent transiting from a present mode to a low power consumption mode and prohibiting any transmission even though

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the device receives the low power consumption mode transit request, as recited in independent claims 32, 35, 38, and 39. Examiner respectfully disagrees. Ishii disclosed a communication apparatus for executing a communication with a device (See column 2, lines 1-6. Multiple terminals are communicating within the network), comprising:

A negotiation unit configured to, (See column 2, lines 58-66. Negotiation between terminals to make sure they are ready to receive messages. This takes place before data are actually transmitted between terminals) in the case that the device receives a low power consumption mode transit request (transmission disabling code request) to transit from a present mode to a low power consumption mode and prohibit any transmission until the low power consumption mode is released (See column 2, lines 12-17. "Disable code request" is sent to disable all other terminals not intended for communication between terminals), execute a pre-determined negotiation with the device in order to prevent transiting a present mode to a low power consumption mode and prohibiting any transmission even though the device receives the low power consumption mode transit request; and (See column 2, lines 58-66 & lines 7-17. Negotiation between terminals takes place between terminals before actual data are transmitted. "Disable code" is sent to all terminals. Only other terminals not originally in negotiation are disabled. Terminal in negotiation originally is still enabled and receiving data from the source);

Ishii, however, fails to explicitly say that the transmission disabling code request can be a low power consumption mode transit request.

Van Bokhorst disclosed that wireless terminals that are not in communication would be in the low power consumption state or in a "Doze" state (See column 1, lines 53-67 & column 2, lines 1-6).

It would have been obvious to one of ordinary skill in the art to combine Hendrik with Ishii for the purpose of implementing a low power consumption state in Ishii. The motivation brings longer battery life.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Q. Le whose telephone number is 571-272-2246. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VL


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